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Fiji, New Zealand, Tonga and Western Samoa: draft articles on islands
and on territories under foreign domination or control

A. ISLANDS

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high tide.
2. Subject to paragraph 5 of this article, the territorial sea of an island is measured in accordance with the provisions of this Convention applicable to other land territory.
3. The economic zone of an island and its continental shelf are determined in accordance with the provisions of this Convention applicable to other land territory.
4. The foregoing provisions have application to all islands, including those comprised in an island State.
5. In the case of atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea shall be the seaward edge of the reef, as shown on official charts.

[These provisions are intended to be without prejudice to the question of the delimitation of island ocean space as between adjacent or opposite States, or in other special circumstances. Nor do they purport to deal with the régime of islands applicable to an archipelagic State or to the off-lying archipelago of a coastal State, or the case of a fringe of islands along a coast in its immediate vicinity referred to in article 4 (1) of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone.]

B. TERRITORIES UNDER FOREIGN DOMINATION OR CONTROL

In respect of a territory whose people have attained neither full independence nor some other self-governing status following an act of self-determination under the auspices of the United Nations, the rights to the resources of the economic zone created in respect of that territory and to the resources of its continental shelf are vested in the inhabitants of that territory to be exercised by them for their benefit and in accordance with their needs and requirements. Such rights may not be assumed, exercised or profited from or in any way infringed by a metropolitan or foreign power administering or occupying that territory.